

<b>ITEM:</b>		<b>RECOMMENDATION:</b> APPROVAL
<b>REF NO:</b>	3PL/2018/0681/VAR	<b>CASE OFFICER</b> Julie Lawson
<b>LOCATION:</b>	THETFORD Tulip Viking Caxton Way Thetford	<b>APPNTYPE:</b> Variation of Cond's <b>POLICY:</b> In Settlemnt Bndry <b>ALLOCATION:</b> N <b>CONS AREA:</b> N <b>LB GRADE:</b> N <b>TPO:</b> Y
<b>APPLICANT:</b>	Stapleford BRP Ltd. Romalee Stapleford Road	
<b>AGENT:</b>	Evolution Town Planning Ltd Opus House Elm Farm Park	
<b>PROPOSAL:</b>	Variation of condition 2 & 14 on pp 3PL/2017/0949/F - Alteration to location of mezzanine level from Unit C to Unit D, amalgamation of Units E&F to form 1 Unit, Reduction in floor area of Unit F, reduction in cycle parking from 96 uncovered to 70 covered spaces, alterations to fenestration, roofs and elevations associated with changes to Unit F. amalgamation of units E and F. Changes to fenestration of Garden Centre of Unit A. Changes to cladding and finishes. Removal of landscaping to rear of Unit A and alteration of landscaping to accommodate totem sign. Lighting information associated with development. Proposed substation and switch room. (amended description 28.08.18)	

**REASON FOR COMMITTEE CONSIDERATION**

This application is being brought to committee because it relates to a major development.

**KEY ISSUES**

Design and scale  
Impact on Amenity  
Impact on landscaping  
Highways Impacts  
Conclusions

**DESCRIPTION OF DEVELOPMENT**

The applicant seeks approval for the variation of conditions 2 and 14 of application Ref: 3PL/2017/0949/F. That granted consent for a new retail terrace and a detached restaurant and takeaway.

Condition 2 of application Ref: 3PL/2017/0949/F currently states:

The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.

Reason for condition:-

To ensure the satisfactory development of the site.

Condition 14 states:

No mezzanine floors shall be constructed in Units A, B, D, E or F as identified on the approved site plan without the express permission of the local planning authority.

Reason for condition:- In order to ensure that the development hereby permitted does not adversely affect the vitality and viability of the nearby Thetford Town Centre in accordance with the requirements of policies CP7 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

The proposal seeks an amendment to the approved plans for the following:

- Alteration to location of mezzanine level from Unit C to Unit D
- Amalgamation of Units E&F to form 1 Unit
- Reduction in retail floor area of Unit F from 1394 sqm to 1271 sqm
- Reduction in cycle parking from 96 uncovered spaces to 70 covered spaces in order to meet BREEAM requirements
- Alterations to fenestration and elevations associated with changes to Unit F
- Changes to fenestration of the units
- Removal of landscaping to rear of Unit A
- Lighting information associated with development
- Proposed substation and switch room to the rear service yard
- Introduction of loading gate to rear of Garden Centre

The applicant has advised that the changes have come about because the design process has identified a number of improvements in order to meet a number of objectives, for example, BREEAM compliance, and tenants' expectations. This amendment includes detail of the lighting to the outside areas of the application site. Also included are details of sub-stations and a switch room and amended landscaping information.

#### **SITE AND LOCATION**

The application site consists of a vacant premises formerly used for food production. London Road is to the south-east, Caxton Way is to the north-east, commercial premises are to the north-west and a tree belt is to the south-west.

#### **EIA REQUIRED**

No.

#### **RELEVANT SITE HISTORY**

3PL/2017/0949/F - Erection of a retail terrace (Class A1) and a detached restaurant and takeaway (Class A3/A5), the creation of new vehicular accesses off London Road and Caxton Way, associated car parking, landscaping and infrastructure - approved 19/01/18  
3DC/2018/0079/DOC - Discharge of conditions 4, 6, 7, 8, and 17 of 3PL/2017/0949/F - pending consideration

#### **POLICY CONSIDERATIONS**

The following policies of the adopted Breckland Core Strategy and Development Control Policies and the adopted Site Specific Policies and Proposals Document, including the Proposals Maps, have been taken into

consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

CP.03	Employment
CP.06	Green Infrastructure
CP.07	Town Centres
CP.09	Pollution and Waste
CP.13	Accessibility
DC.01	Protection of Amenity
DC.06	General Employment Areas
DC.12	Trees and Landscape
DC.13	Flood Risk
DC.16	Design
DC.19	Parking Provision
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

**OBLIGATIONS/CIL**

Not applicable

**CONSULTATIONS**

**THETFORD T C**

No objections to original plans and description. No response yet to re-consultation.

**ENVIRONMENT AGENCY**

No comment to original plans and description. Our previous response to 3PL/2017/0949/F remains pertinent. No response yet to re-consultation.

**NATURAL ENGLAND**

No comments to re-consultation 3 September.

**PUBLIC RIGHTS OF WAY OFFICER**

No comments to original plans and description. No response yet to re-consultation.

**NORFOLK COUNTY COUNCIL HIGHWAYS**

No objection but require all the original highway conditions to be re-imposed and also a condition to stipulate that the external lighting shall be installed in accordance with the submitted plans. No response yet to re-consultation.

**FLOOD & WATER MANAGEMENT TEAM**

No comments to re-consultation 3 September.

**TREE AND COUNTRYSIDE CONSULTANT**

No comments to re-consultation 3 September.

**ECOLOGICAL AND BIODIVERSITY CONSULTANT**

No objections to original plans and description. No response yet to re-consultation.

**CONTAMINATED LAND OFFICER**

No comments but reference to previous recommended conditions and informatives. No response yet to re-consultation.

**ENVIRONMENTAL HEALTH OFFICERS**

No objections on grounds of Environmental Protection. No response yet to re-consultation.

**ECONOMIC DEVELOPMENT**

No Comments Received

**NORFOLK WILDLIFE TRUST**

No Comments Received

**ENVIRONMENTAL PLANNING**

No Comments Received

**NORFOLK RIVERS INTERNAL DRAINAGE BOARD**

No Comments Received

**EAST HARLING I D B**

No Comments Received

**AIR QUALITY OFFICER**

No Comments Received

**ANGLIAN WATER SERVICE**

No Comments Received

**REPRESENTATIONS**

A site notice was erected on 04.07.18 and a press notice was published on 02.07.18. 17 neighbouring properties were notified by post. No comments have been received from neighbouring occupiers. An amended re-consultation was undertaken on 3rd September with regards to the amended description and plans. This expires on 24th September.

**ASSESSMENT NOTES**

**1.0 Design and Scale**

1.1 The proposed amendments include a slight reduction in floor area of unit F and the amalgamation of units E&F to form 1 unit and the previously approved mezzanine level is proposed to be in Unit D instead of Unit C. This is considered to be acceptable in terms of the original approval. There would be no greater impact on the town centre due to this amendment. There were no restrictions on amalgamations of units on the original consent.

1.2 Alterations to the elevations and fenestration are also proposed, including the omission of fire escape doors to the front elevation and an increase in glazed areas and amendments to the fire escape doors and roller shutter doors to the rear elevation. A loading gate will be introduced to the rear of the garden centre. Additional information is also submitted detailing the proposed materials. The agent has also submitted further information including a revision to the entrance features and amending the separate pod unit from timber clad to steel.

1.3 The proposed changes include a cross section with details of a retaining wall to the western boundary of the site. This measures between 0.9m and 2.2m high. The substation and switch room would be located to the rear of the site.

1.4 A plan has been submitted showing the location of palisade fencing to the northern boundary of the site.

1.5 The proposed amendments retain the design approach of the original scheme. The design changes are considered acceptable in accordance with Policy DC 16.

## 2.0 Impact on Amenity

2.1 The proposed alterations to the elevations, fenestration and roof design are not considered to have a detrimental impact on residential amenity.

2.2 Lighting drawings and details are provided. Backlight shields are proposed to the columns next to the woods to the west of the application site are included to minimise the light spill. The Environmental Health Officer has no objections.

2.3 It is considered that there are no detrimental impacts as a result of the proposed alterations.

## 3.0 Impact on Landscaping

3.1 Landscaping drawings have been submitted which increase the level of detail on the landscaping proposals and increase the grassed area around Unit F. The applicant has advised that the line of Norway Maple trees and Hawthorne Hedge to the rear of unit A will need to be removed to allow for service runs that are necessary for the development to go ahead. They have advised that there is limited flexibility within the existing services which means that the trees cannot be retained. The applicant has stated that the Norway Maple trees are not characteristic of the area and are graded category C on the tree survey. Whilst the loss of these trees is regrettable, the Tree Officer and Ecology officer have advised that they have no objections to the proposal.

3.2 The agent has also amended the submitted landscaping plan to reflect changes to a separate signage application. There is now proposed to be one totem sign at the site entrance. The tree previously occupying the totem space has been moved north-east, which in turn had displaced a smaller tree to the north east, extending the row of trees running along Caxton way. They have advised that there is no loss of landscaping as a result of this change.

3.2 It is considered that the proposal is acceptable in terms of its landscaping provision.

## 4.0 Highways Impacts

4.1 NCC Highways have also advised that they have no objection but require all the original highway conditions to be re-imposed and also a condition to stipulate that the external lighting shall be installed in accordance with the submitted plans.

4.2 The proposal includes the reduction in cycle parking from 96 to 70 spaces. The applicant has advised that these will be covered cycle spaces and details of the cycle shelter have been submitted. It is noted that NCC Highways have commented on the associated discharge of conditions submission regarding the cycle parking and they have advised that they have no objections to the proposed scheme for 70 cycle parking spaces. The conditions proposed here are worded to reflect this.

## 5.0 Conclusions

5.1 On the basis of the above assessment, the proposed amendments to the approved plans are considered

acceptable.

**RECOMMENDATION**

**Planning Permission**

**CONDITIONS**

- 1 Full Permission Time Limit (3 years)**  
The development must be begun not later than the expiration of 19th January 2021.  
  
Reason for Condition:  
As required by section 91 of the Town and Country Planning Act 1990.
- 2 In accordance with submitted plans NEW 2017**  
The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.  
Reason for condition:-  
To ensure the satisfactory development of the site.
- 3 Highways condition**  
Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan in accordance with the highway industrial access specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.  
  
Reason: To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 4 Highways condition**  
Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access other than in accordance with details approved under discharge of condition reference 3DC/2018/0079/DOC unless details have first been submitted to and approved in writing by the Local Planning Authority.  
  
Reason: In the interests of highway safety.
- 5 Highways condition**  
Prior to the first occupation of the development hereby permitted the proposed access / on-site car and cycle parking / servicing / loading, unloading / turning areas shall be laid out, demarcated, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.  
  
Reason: To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 6 Highways condition**  
The scheme for covered cycle parking hereby approved and as submitted under discharge of condition reference 3DC/2018/0079/DOC shall be fully implemented before the

development is first occupied or brought into use and thereafter retained for this purpose.

Reason To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport.

**7 Highways. condition**

The scheme for wheel cleaning facilities for construction vehicles shall be undertaken in accordance with the scheme submitted under discharge of condition reference 3DC/2018/0079/DOC. For the duration of the construction period all traffic associated with the construction of the development permitted will use the approved wheel cleaning facilities provided.

Reason: To prevent extraneous material being deposited on the highway.

**8 Highways condition**

Notwithstanding the details indicated on the submitted drawings no works shall commence above slab level on site unless otherwise agreed in writing until a detailed scheme for the indicative off-site highway improvement works included on drawing 3074.0 Rev P9; together with improvements to bus stops and new cycleway links on highways land to the adjacent forest retail park; have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the highway improvement works are designed to an appropriate standard in the interest of highway safety and to protect the environment of the local highway corridor.

**9 Highways condition**

Prior to the first occupation of the development hereby permitted (or Prior to the commencement of the use hereby permitted) the off-site highway improvement works referred to in Condition 8 shall be completed to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the highway network is adequate to cater for the development proposed.

**10 Indicated landscaping to be implemented**

The landscaping shown on the plan accompanying the application shall be carried out during the first planting season October/March immediately following the commencement of works on site. Any trees or plants which within a period of 5 (five) years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason for condition:-

In the interests of the satisfactory appearance of the development.

**11 Fencing protection for existing trees**

Prior to the commencement of any work on the site, all existing trees not shown to be removed in connection with the approved development shall be protected by the erection of Tree Protection Fencing. This fencing shall be retained throughout the period of the development and at all times when works (as defined below) are being carried out on the site.

For the purposes of this condition "work" shall include the storage of plant, materials, site huts or the use of any machinery either for preparatory site work or construction itself. "Trees" shall refer to all trees both on and adjacent to the site. Protective fencing shall be constructed and maintained in accordance with BS5837:2012 and the Council's document Practice Note: Construction and Maintenance of Tree Protection Fencing, which is available to download from the Council's website.

Reason for condition:-

The works are required to be undertaken prior to the commencement of the development in order to safeguard the protection of trees from the outset of the development, in accordance with Policy DC 12 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009

**12 Retail condition**

The development hereby permitted shall not exceed 7,367 square metres of gross floor space of Class A1 retail as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended) at any time. No more than 1,315 square metres net floor space shall be used for the sale of food and drink at any time.

Reason for condition :-

In order to ensure that the development hereby permitted does not adversely affect the vitality and viability of the nearby Thetford Town Centre in accordance with the requirements of policies CP7 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**13 Retail condition**

None of the approved retail floor space shall be occupied by any A1 retailer who at the date of such occupation, or within a period of six months immediately prior to occupation, occupies retail floor space in the town centre of Thetford, as defined on the Town Centre Insert Proposals Map 2012 of the Breckland Adopted Core Strategy 2009; unless a scheme which commits the retailer to retaining their presence as a retailer within that town centre, for a minimum period of 5 years following the date of their occupation of retail floor space within the development, or until such time as they cease to occupy retail floor space within the development, whichever is sooner, has been submitted to and approved in writing by the local planning authority.

Reason for condition :-

In order to ensure that the development hereby permitted does not adversely affect the vitality and viability of the nearby Thetford Town Centre in accordance with the requirements of policies CP7 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**14 Removal of P.D. rights**

No mezzanine floors shall be constructed in Units A, B, C, E or F as identified on the approved site plan without the express permission of the local planning authority.

Reason for condition:- In order to ensure that the development hereby permitted does not adversely affect the vitality and viability of the nearby Thetford Town Centre in accordance with the requirements of policies CP7 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**15 Contaminated Land - Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to

the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with details to be agreed in writing with the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason for condition:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

This condition is imposed in accordance with CP9 of the Breckland Adopted Core Strategy.

**This condition will require to be discharged**

**16 External materials as approved**

The development hereby permitted shall be constructed using the materials specified on the planning application form and / or submitted drawings.

Reason for condition:-

To enable the Local Planning Authority to ensure the satisfactory appearance of the development, as required by policies DC 1 & DC 16 of the Adopted Core Strategy and Development Control Policies Development Plan Document 2009.

**17 Non-standard design condition**

No development above slab level shall take place until details of the design, appearance and position of the proposed information sign board have been submitted to and approved in writing by the local planning authority. The approved sign board shall be installed in accordance with the approved details prior to the first use of the A3/A5 unit by customers and shall be retained and maintained in that form thereafter.

Reason for condition -

In order to ensure that the development supports the linkages of the site with Thetford Town Centre having regard to Policy CP 7 of the Adopted Core Strategy and Development Plan Documents 2009.

**18 Application approved without Amendment**

The Local Planning Authority has acted positively and proactively in determining this application, (having engaged with the Applicant at the pre-application stage), and by assessing the application against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise and subsequently determining to grant planning permission within the statutory timeframe/in as timely a manner as possible in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Copies of all documentation submitted in connection with this application can be viewed online at <http://www.breckland.gov.uk/content/planning-search-0>